

REMARKS

Claims 1-5 were rejected as anticipated by BANAIEI 2004/0203751. Claims 1-2 and 4-5 have been canceled and claim 3 has been amended. Reconsideration and withdrawal of the rejection are respectfully requested.

Amended claim 3 provides that the user terminal selects the wireless LAN equipment with a higher communication speed than another of the wireless LAN equipment (see, page 16, beginning at line 23, for example). BANAIEI does not disclose that the user terminal makes this selection. Indeed, the reference does not disclose a situation where more than one provider is available and thus there is no motivation to modify BANAIEI so that the user terminal can make this selection. Accordingly, amended claim 3 avoids the rejection under §102.

Claims 6 and 10 were rejected as unpatentable over BANAIEI in view of DESHPANDE et al. 2002/0176579. Claim 6 has been amended in a manner similar to claim 3 and avoids the rejection under §103 for the same reason. DESHPANDE et al. do not make up for the shortcomings of BANAIEI noted above and reconsideration and withdrawal of the rejection are respectfully requested.

Claims 12-13 were rejected as unpatentable over BANAIEI in view of DESHPANDE et al. and KOSTIC et al. 2003/0134642. KOSTIC et al. do not suggest that the user terminal selects the wireless LAN equipment with a higher communication speed than

another of the wireless LAN equipment (there is no suggestion to do this in paragraph 0020 of the reference). Further, as noted above, BANA EI do not suggest a situation where two providers are available and thus there is no motivation to modify this reference to make the claimed selection. Accordingly, the amended claims avoid this rejection as well.

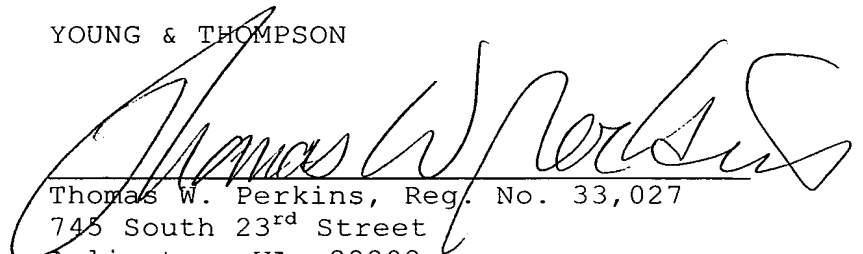
Claims 7-9 were rejected in view of further references that do not make up for the shortcomings noted above and are allowable for the reasons given above.

In view of the present amendment and the foregoing remarks, it is believed that the present application has been placed in condition for allowance. Reconsideration and allowance are respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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